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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,810	02/17/2000	Kyoko Kawaguchi	32410	7331
116	7590	11/18/2005	EXAMINER	
PEARNE & GORDON LLP 1801 EAST 9TH STREET SUITE 1200 CLEVELAND, OH 44114-3108			BASHORE, ALAIN L	
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/505,810

Applicant(s)

KAWAGUCHI ET AL

Examiner

Alain L. Bashore

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-19, 21, 22, 33-38, 48, 50-55, 71-75 and 78-82 is/are pending in the application.
- 4a) Of the above claim(s) 14-19, 21, 33-38, 50-53 and 71 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-13, 22, 48, 54, 55, 72-75 and 78-82 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-8, 48, 54-55, 78-82, and 84-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLapa et al in view of Stumm and Walker et al (396).

DeLapa et al discloses an electronic utilization system and method. A terminal outputs a signal for a desired asset (fig 1). An exchange certificate (a coupon) with content (55, 57, 59) verifies a user's right to receive an electronic asset (col 4, lines 20-67; col. 5, lines 1-31).

Settlement and status information are present, as is an expiration date is also utilized for the certificates (fig 20).

With respect to the claimed recitation that the terminal generates a sound, it would be obvious to one with ordinary skill in the art to include sound generation for user attention purposes of impaired persons per se.

DeLapa et al does not explicitly disclose:

transmitting of the desired electronic asset on a predetermined date and time.

Stumm discloses transmitting desired electronic assets on a predetermined date and time (col 1, lines 47-63).

It would have been obvious to one with ordinary skill in the art to include transmitting of the desired electronic asset on a predetermined date and time because Stumm teaches that incomplete transmissions of electronic assets occur (col 1, lines 25-34).

Walker et al (396) discloses Walker et al discloses an electronic utilization system and method where there is electronic transmission of various certificates/assets. An exchange certificate (offers displayed to the user) with content (fig 5a-5b) verifies a user's right to receive an electronic asset (see col 11, lines 51-67., col 12, lines 1-16). The original ticket number and seat location described by Walker et al is considered a electronic asset.

It would have been obvious to one with ordinary skill in the art to include electronic transmission for the purposes of ease of use of an electric medium.

3. Claims 9-13, 22, 54, 72-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLapa et al in view of Stumm and Walker (396) as applied to claims 3-8, 48, 54-55, 78-82, and 84-90 above, and further in view of Hughes.

DeLapa et al and Stumm do not explicitly use the terminology "past-due date" regarding re-transmissions.

Hughes discloses re-transmission of transaction messages (col 9, lines 45-67).

It would have been obvious to one with ordinary skill in the art to include re-transmission after a past-due date because Hughes teaches misinterpretation and misunderstandings in transaction information between parties (col 2, lines 1-43).

### ***Response to Arguments***

4. Applicant's arguments filed of record have been fully considered but they are not persuasive. There is disclosed to Walker the electronic transmittance of certificates that confer rights.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Alain L. Bashore  
Primary Examiner  
Art Unit 1762